

# **EXHIBIT 190**

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Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, et al., )  
 )  
Plaintiffs, )  
 )  
v. ) CIVIL ACTION  
 ) NO. 4:20-cv-00957-SDJ  
GOOGLE LLC, )  
 )  
Defendant. )  
\_\_\_\_\_ )

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VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
LUCAS TUCKER, SENIOR ASSISTANT ATTORNEY GENERAL  
LAS VEGAS, NEVADA  
MONDAY, APRIL 29, 2024

Kele R. Smith, NV CCR No. 672, CA CSR No. 13405  
Job No. 6657786

Job No. CS6657786

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Page 83

1 agencies that received subpoenas, whatever they decided  
2 to produce. We had no role in that process.

3 Q. So do you still have Exhibit 4 in front of you?

4 A. I do.

5 Q. Would you please turn to Page 12? It shows  
6 Google's Interrogatory No. 4. Do you see that?

7 A. Yes.

8 Q. And Google's Interrogatory No. 4 asks plaintiff,  
9 including the State of Nevada, to identify all injured  
10 persons or categories of person on whose behalf they as  
11 parens patriae seek monetary relief, including civil  
12 penalties, in this action. Correct?

13 A. Yes, I see that.

14 Q. Moving to the bottom of Page 13 and continuing on  
15 the top of Page 14 of Exhibit 4, the plaintiffs,  
16 including Nevada, "...seek to recover civil penalties as  
17 parens patriae for harm to the general welfare and  
18 economy of each state caused by injuries to publishers  
19 and advertisers that have been deprived of improved  
20 quality, increased transparency, further innovation, and  
21 lower prices due to Google's anticompetitive conduct."  
22 Correct?

23 A. That's correct.

24 Q. Let's focus first on publishers. Do you have any  
25 estimate as to how many publishers in Nevada used

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Page 84

1 Google's ad tech products?

2 A. Do I have an estimate?

3 Q. Correct.

4 A. Today, I do not. I think that will be something  
5 that we'll rely on expert testimony for.

6 Q. How would you go about measuring the injuries to  
7 in-state publishers as alleged in this statement in  
8 Exhibit 4?

9 A. Well, again, I think methodology is something  
10 that we'll rely on the expert for.

11 Q. So you don't have a methodology sitting here  
12 today for measuring the injuries to in-state publishers  
13 as alleged in this statement in Exhibit 4. Correct?

14 MR. HENTHORN: Objection. Form.

15 A. Umm, I think any methodology that we may have  
16 today would be protected by the work product doctrine.  
17 Ultimately, we will be relying on the methodology chosen  
18 by the expert.

19 BY MR. ZHANG:

20 Q. Can you name -- can you name just one in-state  
21 publishers on whose behalf the State of Nevada is  
22 seeking civil penalties for its antitrust claims in this  
23 case?

24 A. Well, I believe some publishers have been  
25 identified in one of the responses to one of the

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Page 85

1 interrogatories, but I'm not aware of where each of them  
2 is headquartered or each of them has its domicile state  
3 of business, so I can't say whether or not -- I can't  
4 tell you specifically a Nevada-based publisher, but I  
5 expect the documents that we received from Google may  
6 have that information.

7 Q. If they may have information, are you  
8 speculating?

9 A. Again, I can't speak specifically to a particular  
10 document, but I know Google has produced millions of  
11 documents.

12 Q. Are you aware of any factual basis that any  
13 specific in-state publishers was injured by Google's  
14 alleged anticompetitive conduct in this case?

15 A. I'm sorry. Can you restate the question, please?

16 Q. Are you aware of any specific factual basis that  
17 any specific in-state publisher was injured by Google's  
18 alleged anticompetitive conduct in this case?

19 A. I don't have a specific document or statement to  
20 direct you to today, but we would rely on the facts that  
21 were gathered during the multistate investigation, the  
22 testimony of Mr. Gordon, and the ongoing discovery of  
23 both Google and third parties.

24 Q. Did you conduct any independent investigation on  
25 any in-state publishers in connection with this case?

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Page 91

1 BY MR. ZHANG:

2 Q. Outside of the work you did for this case, you  
3 don't have any estimate of how many advertisers there  
4 are in Nevada who use the Google ad tech products?

5 MR. HENTHORN: Same objection.

6 A. Well, at least with regards to the alleged  
7 conduct in this case, that would be correct.

8 BY MR. ZHANG:

9 Q. Can you name just one in-state advertiser on  
10 whose behalf the State of Nevada is seeking civil  
11 penalties for its antitrust claims in this case?

12 A. I cannot identify a specific advertiser located  
13 in Nevada.

14 Q. Are you aware of any factual -- strike that.

15 Is it your testimony that you cannot identify a  
16 specific advertiser located in Nevada on whose behalf  
17 the State of Nevada is seeking civil penalties for its  
18 antitrust claims in this case?

19 MR. HENTHORN: Objection. Form.

20 A. Well, I can't name for you a specific advertiser  
21 in Nevada, but again, we are relying on the facts from  
22 the multistate investigation, facts from Google and  
23 third parties in ongoing discovery, and the factual  
24 testimony of Mr. Gordon.

25 ///

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Page 201

1 BY MR. ZHANG:

2 Q. But sitting here now, you're not aware of any  
3 Nevada-specific facts underlying the Fourth Amended  
4 Complaint in this case. Correct?

5 MR. HENTHORN: Objection. Form. Asked and  
6 answered.

7 A. You know, I'm going refer to, you know, the  
8 common facts as described by Mr. Gordon for the State of  
9 Texas, and again, it is a national market and we're not  
10 aware of anything that differentiates the harm in Nevada  
11 from the harm across the nation.

12 BY MR. ZHANG:

13 Q. Did Nevada AGO put in place any document hold in  
14 connection with this case?

15 MR. HENTHORN: Objection. Form.

16 A. Did we put into place document holds? Is that  
17 what you asked?

18 BY MR. ZHANG:

19 Q. Do you know what is a document hold or do you  
20 prefer to call it a litigation hold?

21 A. Okay. Litigation hold, basically I know it's to  
22 preserve documents. No, we did not.

23 Q. So Nevada AGO didn't put in place any litigation  
24 hold in connection with this case. Correct?

25 A. That's correct.

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Page 205

CERTIFICATE OF REPORTER

STATE OF NEVADA )

) ss:

COUNTY OF CLARK )

I, KELE R. SMITH, a Certified Court Reporter in Clark County, State of Nevada, do hereby certify: That I reported the taking of the deposition of LUCAS TUCKER, SENIOR ASSISTANT ATTORNEY GENERAL, commencing on Monday, April 29, 2024, at 8:32 a.m.

That prior to being deposed, the witness was by me duly sworn to testify to the truth, that I thereafter transcribed my said shorthand notes into typewriting, and that the typewritten transcript is a complete, true, and accurate transcription of said shorthand notes and that the witness was asked to review and correct the transcript.

I further certify that I am not a relative or employee of counsel of any of the parties, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this 30th day of April, 2024.



KELE R. SMITH, NV CCR #672, CA CSR #13405



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Page 206

ERRATA SHEET

I declare under penalty of perjury that I have read the foregoing 204 pages of my testimony, taken on Monday, April 29, 2024, from Las Vegas, Nevada, and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:

| PAGE | LINE | SHOULD READ                         | REASON FOR CHANGE |
|------|------|-------------------------------------|-------------------|
| 10   | 1    | "NHS" should read "antitrust"       | correction        |
| 20   | 7    | "had" should be "have"              | typo              |
| 28   | 13   | "potential" should be "retention"   | correction        |
| 60   | 2    | "agree" should be "refer"           | correction        |
| 74   | 7    | "out" should be "outside"           | typo              |
| 82   | 21   | "states" should be "state agencies" | correction        |
| 111  | 18   | "ROPs" should be "RFPs"             | correction        |

Job No. CS6657786

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Page 207

| 1  | PAGE LINE | SHOULD READ | REASON FOR CHANGE |
|----|-----------|-------------|-------------------|
| 2  |           |             |                   |
| 3  |           |             |                   |
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16 \* \* \* \*

17

18 DATE: May 7, 2024 

SIGNATURE OF WITNESS

19

20 Lucas J. Tucker

21 NAME TYPED OR PRINTED

22

23

24

25 Job No. CS6657786